



PATENT  
Customer No. 22,852  
Attorney Docket No. 5725.0598-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Valérie de la POTERIE et al. ) Group Art Unit: 1615  
Application No.: 10/773,258 ) Examiner: L. Channavajjala  
Filed: February 9, 2004 )  
For: MASCARA COMPRISING A ) Confirmation No.: 7152  
POLYMER DISPERSED IN A )  
LIQUID FATTY PHASE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'ORÉAL, S.A., duly organized under the laws of France and having its principal place of business at 25-29 Quai Aulagnier, 92665 Asnieres-sur Seine Cedex, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to instant Application No. 10/773,258, filed on February 9, 2004, for MASCARA COMPRISING A POLYMER DISPERSED IN A LIQUID FATTY PHASE in the name of Valérie de la POTERIE et al., by assignment of its parent application, Application No. 09/598,637, duly recorded in the United States Patent and Trademark Office at Reel 011041, Frame 0847 on August 8, 2000.

Assignee, through its attorneys, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,361,782, issued on April 26,

2002 in the name Veronique CHEVALIER et al, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 011100, Frame 0117 on September 21, 2000.

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,361,782. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,361,782 are commonly owned.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,361,782, in the event that U.S. Patent No. 6,361,782 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer. If a check for the required fee is not

filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 10, 2006

By:   
Louis M. Troilo  
Reg. No. 45,284